

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10354 OF 2016

Sanjay Jagannath Sorate

.. Petitioner

vs.

Sharad Sopan Sorate & Ors.

.. Respondents

Mr.Shivaji A. Masal for the petitioner

Mr.Kuldeep S. Patil for the respondent no.1

Mr.S.D.Rayrikar, A.G.P. for respondent nos.3 and 4

CORAM : K. K. TATED, J.

DATE : OCTOBER 19, 2016

PC.:

1 Heard the learned counsel for the parties.

2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the impugned judgment and order dated 18.8.2016 passed by Additional Commissioner, Pune Division, Pune thereby confirming the order of disqualification of petitioner as member of the Gram Panchayat passed by learned Additional Collector, Sangli by order dated 20.11.2013 under section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 (for short, the said Act).

3 The main contention of the petitioner is that the encroachment

was made by his father. He submits that father is residing at Kundalapur, Tal.Kavatemahankal, Dist.Sangli whereas petitioner is residing at Sangli. Therefore, if encroachment is made by the petitioner's father, petitioner cannot be declared as disqualified under section 14(1)(j-3) of the said Act. In support of this contention, he relies on the judgment of this court in the matters of ***Kanchan Shivaji Atigre vs. Mahadev Baban Ranjagane and Others, 2013(1) Mh.L.J. 455 and Ganesh Arun Chavan vs. State of Maharashtra, 2013(2) Mh.L.J. 955.***

4 On the other hand, the learned counsel for the respondent submits that though the petitioner is residing at Sangli but he contested the election of Gram Panchayat of Kundalapur. They submit that the issue raised by the petitioner in the present matter is already covered by the Division Bench in the matter of ***Devidas M.Surwade v. Additional Commissioner, Amravati and others, 2013(7) ALL MR 5*** and subsequent unreported judgment in the matter of ***Parvatabai @ Shobha d/o Kisan Kakde in Writ Petition No.6089 of 2014 dated 30.7.2015 passed by this court (Coram: A.S.Chandurkar, J.).***

5 I have heard both the sides. There is no dispute that petitioner's father encroached the government's land situated at Kundalapur from where the petitioner contested the Gram Panchayat election and elected.

6 Considering the Division Bench judgment of this court and the judgment in the matter of ***Parvatabai @ Shobha d/o Kisan Kakde (Supra)***, both the authorities below rightly held that petitioner is liable

for disqualification as a member of Gram Panchayat under section 14(1)(j-3) and section 16 of the said Act.

7 Hence, Writ Petition stands rejected.

JUDGE